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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JENS ERIK SORENSEN,

12 Plaintiff,

13 vs.

14 GIANT INTERNATIONAL (USA) LTD.,

15 Defendant.

CASE NO. 07CV2121 BTM (CAB)

ORDER GRANTING DEFENDANT'S
MOTION FOR STAY PENDING
PATENT REEXAMINATION

16 For the reasons stated in the Court's order granting stay in Sorensen v. Black and
17 Decker, 06cv1572, Docket No. 243 and on the record at the February 25, 2008 status
18 conference in Sorensen v. Helen of Troy, 06cv2278, the Court GRANTS without prejudice
19 Defendant's motion for stay. The Court concludes that a reasonable stay is appropriate in
20 this case because the litigation is in its early stages, Plaintiff has not established undue
21 prejudice, and the reexamination will simplify issues for the Court and save expense for the
22 parties. See, e.g., Xerox Corp. v. 3Com Corp., 69 F. Supp. 2d 404, 406 (W.D.N.Y. 1999).
23 However, if it appears that the reexamination will not be effected within a reasonable time,
24 Plaintiff may move to vacate the stay. Additionally, any party may apply to the Court for an
25 exception to the stay if it has specific, valid reasons to believe that it needs to obtain
26 discovery in order to preserve evidence that will otherwise be unavailable after the stay.

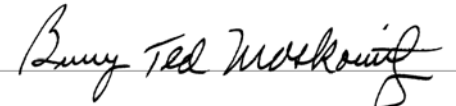
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1 Defendant is ordered to file a notice informing the Court of the PTO's decision on the pending
2 application for reexamination within 10 days of receipt of such decision.

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5 IT IS SO ORDERED.

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7 DATED: February 28, 2008

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9 Honorable Barry Ted Moskowitz
10 United States District Judge
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